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अधिसूचना

नई दिल्ली, 7 अप्रैल, 2006

आ.अ. 27(अ).—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग 2004 की निर्वाचन अर्जी संख्या 13 में इलाहाबाद उच्च न्यायालय, इलाहाबाद के तारीख 22 जुलाई, 2005 के निर्णय को एतद्द्वारा प्रकाशित करता है।

(निर्णय अंग्रेजी पाठ में छपा है)

[सं. 82/उ.प्र.-लो.स./13/2004(इला.)]

आदेश से,

ललित मोहन, सचिव

ELECTION COMMISSION OF INDIA

NOTIFICATION

New Delhi, the 7th April, 2006

O.N. 27(E).—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the Judgement dated 22nd July, 2005 of the High Court of Judicature at Allahabad, Allahabad in Election Petition No. 13 of 2004.

1094 GI/2006

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ELECTION PETITION NO. 13 OF 2004

(Under Section 80/81 of the Representation of the People Act, 1951)

District : Bulandshahar

Imtiyaz Mohammad Khan
Son of Mumtaz Khan,
R/o 848, Civil Line,
Chandpur Road,
Bulandshahr .....Petitioner

Versus

1. Kalyan Singh, r/o village Mandauli, Tehsil Atrauli, District Aligarh.
2. Pt. Chandra Shekhar Sharma, r/o Nikat Samrat Hotel, District Bulandshahr.
3. Badarul Islam, r/o Chaudhariyan Syana Tehsil, District Bulandshahr.
4. Devendran Bhardwaj, r/o Adharn Nagar, District Bulandshahr.
5. Hakim Ahamad Kureshi, r/o Kuresi wali Gali, District Bulandshahr.
6. Mahendra Singh, r/o Civil Lines, District Bulandshahr.
7. Nasir Iqbal, r/o Upper Court, District Bulandshahr.
8. Yad Karan, r/o Satha, District Bulandshahr.

9. Sri Niwas, r/o Bus Stand Ke Piche, Satha, District Bulandshahr.
10. Sri Krishna Singh, r/o Sikarpur, District Bulandshahr.
11. Chaman Lal, r/o Mohalla Preet Bihar, District Bulandshahr.
12. Chunni Lal, r/o Devi Pura, District Bulandshahr.
13. Shreya Singh, r/o Village, Rampura Tehsil & District Bulandshahr.
14. Ram Phal Singh, r/o Village Hirapur Tanda, District Bulandshahr.
15. Satendra Singh, r/o Mohalla Bhund, District Bulandshahr.
16. Sri Kuldeep Seth, Returning Officer, District Magistrate District Bulandshahr.

Imtiyaz Mohammad Khan .....Respondents.

ORDER

22-07-2005 **Hon'ble S.P. Mehrotra, J.**

Pursuant to the order dated 6th May, 2005, the Election Petition is listed peremptorily, today.

The case has been taken up in the revised list.

The Court has waited for about 20 minutes, but the learned counsel for the petitioner have not appeared.

By the Order dated 20th August, 2004, directions were *inter alia*, given for issuance of notices to the Respondents by Ordinary Process as well as by Registered Post fixing 19th November, 2004. Directions were also given for publication of notice of the Election Petition in a newspaper selected by the Registrar General, as per the provisions of Clause (b) of Rule 6 of Chapter XV-A of the Rules of the Court, 1952.

On 19th November, 2004, the Election Petition was listed before the Court.

The Office submitted its report dated 19th November, 2004, which is quoted below:

"In compliance with the Court's Order dated 20-8-2004, the petitioner's counsel has not taken steps till today. The case is put up for orders".

On the said date, i.e. 19th November, 2004, Sri Pramod Bhardwaj, learned counsel for the petitioner stated that he had suffered injury, and was not well, and in the circumstances, he prayed that the case be adjourned.

Therefore, the Court by its Order dated 19th November, 2004 adjourned the case and directed the same to be listed on 21st January, 2005.

The case was, thereafter, listed before the Court on 25th January, 2005.

Office submitted its report dated 25th January, 2005 reiterating its report dated 19th November, 2004, as mentioned above.

On the said date, i.e. 25th January, 2005, Sri Pramod Bhardwaj, learned counsel for the petitioner, had sent illness slip. In the circumstances, the Court passed an Order dated 25th January, 2005, whereby the case was adjourned, and was directed to be listed on 18th March, 2005.

Pursuant to the said Order dated 25th January, 2005, the case was listed on 18th March, 2005.

On 18th March, 2005, learned counsel for the petitioner were not present, even when the case was taken up in the revised list.

In the circumstances, the Court passed the following Order dated 18th March, 2005:

"Pursuant to the Order dated 25-1-2005; the Election Petition is listed today.

The case has been called out in the revised list.

Learned counsel for the petitioner are not present.

In the circumstances, the case is adjourned today.

List this case on 6-5-2005."

Pursuant to the said order dated 18th March 2005, the case was listed on 6th May, 2005. The Office submitted its report dated 6th May, 2005, which is reproduced below:

"In compliance with the Court's Order dated 18-3-2005, the petitioner's counsel has not taken steps till today.

The case is put up for orders."

On the said date, i.e. 6th May 2005, Sri Pramod Bhardwaj, learned counsel for the petitioner had sent illness slip. In the circumstances, the Court passed an Order dated 6th May, 2005 adjourning the case, and directing the same to be listed peremptorily on 22nd July, 2005, i.e. today.

The said Order dated 6th May, 2005 is as under :

"Pursuant to the Order dated 18th March, 2005, the Election Petition is listed today.

Sri Pramod Bhardwaj, learned counsel for the petitioner has sent an illness slip.

In the circumstances, the case is adjourned today.

A perusal of the Order-Sheet shows that on 25th January, 2005, the case was adjourned on the illness slip of Sri Pramod Bhardwaj, learned counsel for the petitioner.

On 18th March, 2005, the case was adjourned, as the learned counsel for the petitioner were not present, even when the case was called out in the revised list.

In view of the aforesaid, the case is directed to be

listed peremptorily on 22nd July, 2005."

Pursuant to the said Order dated 6th May, 2005, the case is listed today, peremptorily.

The Office has submitted its report dated 22nd July, 2005 reiterating its report dated 6th May, 2005.

As noted above, the case has been taken up today in the revised list. The Court has waited for about 20 minutes, but the learned counsel for the petitioner have not appeared.

The case is listed peremptorily today, as mentioned above.

As is evident from the various Office Reports, mentioned above, learned counsel for the petitioner have not so far taken steps for issuance of notices to the respondents and for publication of notice of the Election Petition in the newspaper, as per the directions given in the Order dated 20th August, 2004.

In view of the aforesaid, the Court has no option but to dismiss the Election Petition for want of prosecution.

The Election Petition is accordingly dismissed for want of prosecution.

Election Petition 13 of 2004/AK

Sd/-

S. P. MEHROTRA, Judge

[No. 82/UP-HP/13/2004(Alld.)]

By Order,

LALIT MOHAN, Secy.

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